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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,480	01/11/2001	Joseph Wayne Forler	PU 010015	9339

7590

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/758,480	Applicant(s) FORLER ET AL.	
	Examiner Vivek Srivastava	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 7 – 13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie et al (6,049,333).

Considering claims 1 and 9, Lajoie discloses a method and apparatus for providing and receiving video content data from telecasting facility 20 (see fig 2) from any of known broadcasters (see col 5 lines 53 – 58), the video being stored in data storage unit 30 for display on a users TV 58 (see fig 3). Note: broadcasters and data retrieved and transmitted from data storage unit meets the claimed “first source”. Lajoie further discloses selecting the type of information to be received, in particular, Lajoie discloses selecting from football highlights 76, football game day 72 and football films 78 (see fig 5), noting that the selected information is from data storage 24 which meets the claimed “second source”. Lajoie further discloses receiving the selected information

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and displaying the selected information during display of the program (col 7 lines 57 – 65, col 8 lines 19 – 20, and col 10 lines 30 – 62).

Regarding claims 2 and 11, Lajoie discloses selecting a type of information to be received from a information on a variety of topics (see fig 5, fig 9, col 8 lines 49 – 61).

Regarding claims 3 and 10, Lajoie discloses automatically displaying the selected information irrespective of the content of the video (col 7 lines 57 – 65), noting that automatically displaying when tune to a designated channel is irrespective of the content on that channel.

Considering claims 7 and 15, Lajoie discloses an on screen menu operable to permit user selection (see fig 5 and fig 9).

Regarding claims 8 and 16, Lajoie discloses the claimed displaying the selected type of information within an image displayed on the display device auxiliary to the display of the video from the first source on the display device (fig 6, fig 7 and fig 9).

Considering claims 4, 12 and 13, Lajoie discloses a user can select display of additional information and discloses the user can toggle the banner on or off by pressing exit key (col 13 lines 52 – 55) or by pressing the select key (col 14 lines 49 – 55), thus user can select the schedule and frequency the selected information is displayed which includes continuous display.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie.

Regarding claims 5 and 6, Lajoie discloses a user can turn off or on the selected type of received information and discloses the selected type of information is continuously displayed, periodically displayed and displayed during status change (col 8 lines 8 – 19, col 11 lines 14 – 58, col 14 lines 24 – 37). Lajoie fails to disclose the claimed means for selecting between display schedule options of (i) continuous display of the selected type of the received information, (ii) periodic display of the selected type of information and (iii) as a status change event (including a new event) occurs display of the selected type of received information. It would have been obvious to provide a user with a means for selecting between schedule options to provide a user with a choice of how long or when the user chooses to view the selected information thereby also enhancing a user's interactive experience.

Regarding claim 14, Lajoie fails to disclose the claimed means for selecting at least one of as an event changes. It would have been obvious to modify Lajoie to include providing a user with option of selecting displaying of the received information

as an event changes to provide a user with the option of receiving new updated event changing information and to enhance a user's interactive experience.

Claim 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie in view of Kabushika Kaisha Toshiba (EP 0 766 463 A2).

Considering claim 17, Lajoie discloses a CPU (36), a first tuner 38 (fig 2) in communication with CPU (36) for receiving program from telecasting facility 20 (see fig 2) from any of known broadcasters (see col 5 lines 53 – 58), the video being stored in data storage unit 30 for display on a users TV 58 (see fig 3). Note: broadcasters and data retrieved and transmitted from data storage unit meets the claimed "first source". Lajoie further discloses the received interactive data is, received from data storage 24 (fig 1, col 5 lines 20 – 35, col 6 lines 15 – 25) which meets the claimed "second source". The interactive or selected data is then forwarded to modem 40 which demodulates the information (col 7 lines 1 – 10), noting that modem 40 meets the claimed "auxiliary information parser" limitation and noting that modem 40 is communication with CPU 36. Lajoie further discloses receiving the selected information and displaying the selected information during display of the program (col 7 lines 57 – 65, col 8 lines 19 – 20, and col 10 lines 30 – 62).

Lajoie fails to disclose the claimed second tuner and auxiliary information parser in communication with second tuner. Kabushiki teaches a TV receiver with two tuners for displaying text and/or graphics on a television picture. It would have been obvious to one skilled in the art providing two tuner would have provided faster tuning and retrieval

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of data in lieu of using one tuner. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lajoie to include the claimed two tuners to provide faster tuning and retrieval of data.

Considering claims 18, Lajoie discloses a graphics processor 44 operable to permit user selection (see col 6 lines 26 – 54 and col 8 lines 20 – 38, see fig 5 and fig 9).

Considering claim 19, Lajoie discloses a user can select display of additional information and discloses the user can toggle the banner on or off by pressing exit key (col 13 lines 52 – 55) or by pressing the select key (col 14 lines 49 – 55), thus user can select the schedule and frequency the selected information is displayed which includes continuous display.

Regarding claim 20, Lajoie discloses the claimed displaying the selected type of information within an image displayed on the display device auxiliary to the display of the video from the first source on the display device (fig 6, fig 7 and fig 9).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al (6,219,042) – Internet connectivity based on user inactivity

Weinstein et al (6,604,242) – Combining TV and personalized interactive info

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 - 9314, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the
Examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.

The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 9/30/03



VIVEK SRIVASTAVA
PRIMARY EXAMINER